



STATE OF WISCONSIN
Department of Employee Trust Funds
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CORRESPONDENCE MEMORANDUM

DATE: May 31, 2011

TO: Employee Trust Funds Board
Teachers Retirement Board
Wisconsin Retirement Board

FROM: David H. Nispel, General Counsel
Steve Hurley, Office of Policy, Privacy and Compliance

SUBJECT: Status of Proposed Administrative Rules

This memo is for informational purposes only. No Board action is required.

This memorandum is designed to show rules that staff are working on and the status of those rules. When rules are in final draft form, they are brought to the Boards for approval. In some instances, rules will need to be approved by all three Boards, while in other instances only one or two Boards will need to approve the rule.

As of May 31, 2011, there are 10 rules, which can be divided into the following categories:

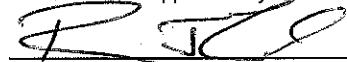
ETF, WR, and TR Boards6
ETF and TR Boards1
ETF Board Only2
WR Board Only1

I. Rules Approved by Employee Trust Funds Board, Wisconsin Retirement Board, and Teachers Retirement Board

Status: Submitted for Legislative Review

- CR10-137, Spousal consent rule relating to amending § ETF 20.055, Wis. Admin. Code, to reflect the provisions in 1993 Wisconsin Act 426 and the language regarding spousal consent waivers.

Reviewed and approved by Robert J. Conlin, Deputy Secretary.


Signature

6/3/2011
Date

Board	Mtg Date	Item #
Jl	6.23.11	5C

- CR 10-138, Power of Attorney rule relating to amending § ETF 10.75, Wis. Admin. Code, to harmonize the rule with Wisconsin's new power of attorney law (2009 Wisconsin Act 319).

II. Rules to be Approved by Employee Trust Funds Board, Wisconsin Retirement Board, and Teachers Retirement Board

Status: Statement of Scope Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Technical rule relating to making technical updates and corrections to existing ETF rules.
- Annual federal compensation limits rule relating to clarifying how the Department administers federal compensation limits under Section 401 (a) (17) of the Internal Revenue Code (IRC) as provided in § 40.03 (2) (t), Wis. Stats.
- Qualified Domestic Relations Orders (QDRO) rule relating to changes to domestic partnerships, correct minor drafting errors, and to clarify how QDROs will be implemented in various situations that are currently not addressed in the statutes or rules.
- Appeal procedures rule relating to updating ETF 11 to improve and clarify the process for members, the administrative law judge, the boards that decide appeals, ETF, and others involved in the appeals process.

III. Rules to be Approved only by Employee Trust Funds Board and Teachers Retirement Board

Status: Statement of Scope Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Election rule relating to changes to streamline the administrative process for the election of persons to the Teachers Retirement Board and Employee Trust Funds Board and to allow for the use of modern voting technologies.

IV. Rules to be Approved only by Employee Trust Funds Board

Status: Statement of Scope Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Internal Revenue Code compliance rule relating to clarifying how ETF administers provisions of the IRC, including §§ 415 (b), 415 (c) and 401 (a) (17) as provided in § 40.03 (2) (t), Wis. Stats. This scope statement incorporates the scope statement on § 401 (a) (17) that was published in the Administrative Register (see Item I. B. above).
- Internal Revenue Code compliance rule relating to clarifying how ETF administers IRC conditions under § 401 (a) as codified in §§ ETF 10.08, 20.02, and as governed by § 40.23 (1) (a) 1., Wis. Stats. ETF also seeks to clarify language in the Code to ensure compliance by better informing both employee and employer of IRC requirements.

V. Rules to be Approved only by Wisconsin Retirement Board

Status: Statement of Scope Published in Wisconsin Administrative Register – ETF Staff Drafting Rule

- Duty disability rule relating to clarifying the existing rule regarding the administration of the duty disability program and streamlining the process of applying for and making a departmental determination regarding duty disability benefit.

Staff will be available at the June 23, 2011, Board meeting to answer questions.

2011 Wisconsin Act 21 – Revised Administrative Rule Process

Act 21 makes changes to statutes that relate to the promulgation of administrative rules, including changes relating to agency authority to promulgate rules; gubernatorial approval of statements of scope and final drafts of proposed rules; economic impact analyses; legislative review of proposed rules; and venue in judicial review actions related to the validity or invalidity of administrative rules. Act 21 is effective June 8, 2011.